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Administrative and budgetary aspects of the financing of the United Nations peacekeeping operations

Experience with resident investigators, including proposals and plans for the future review by the Advisory Committee on Administrative and Budgetary Questions in the context of peacekeeping budgets

Report of the Secretary-General

Summary

The present report is being submitted pursuant to the request made by the Advisory Committee on Administrative and Budgetary Questions in its report on the administrative and budgetary aspects of the financing of the United Nations peacekeeping operations (A/56/887, para. 55) that the Secretary-General prepare a report on the experience so far with resident investigators, including proposals and plans for the future review by the Committee in the context of budgets for peacekeeping for the period starting 1 July 2003.

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Contents

		Paragraphs	*Page*
I.	Introduction	1–3	3
II.	Background	4–5	3
III.	Role of the Investigations Division in peacekeeping operations	6–10	4
IV.	Terms of reference of investigators	11–12	5
V.	The case for regional versus mission-based investigators	13–34	6
	A. Mission-based investigators	14–18	7
	B. Regional investigators	19–26	8
	C. Caseload	27–30	9
	D. Regional investigator costs	31–34	9
VI.	Conclusion	35	10

I. Introduction

1. The Advisory Committee on Administrative and Budgetary Questions requested the Secretary-General to prepare a report on the use of resident versus regional investigators in peacekeeping operations (A/56/887, para. 55). The present report attempts to provide such an analysis, taking into account the views of the Advisory Committee, namely, that investigation is by nature a reactive function, that the structure for this function need not be a mirror image of the function of resident auditors and that various options should be explored, including regional approaches in collaboration with other United Nations partners such as funds, programmes and specialized agencies that may be in the area of concern.

2. Since its establishment in 1994, the Office of Internal Oversight Services has received reports of violations of United Nations rules, regulations and national laws in peacekeeping missions around the world and has conducted investigations using the resources assigned to the Office at Headquarters. Until 2000, it was possible with such resources, limited though they were, to investigate many of those reported violations. Since 2000, the volume of reports alleging violations in the peacekeeping missions has increased significantly, and the ability of the Office to investigate even the most serious of those cases has diminished.

3. Because of this surging caseload, temporary ad hoc arrangements were made to alleviate the impediments to timely investigation of the most serious cases. The concept of the resident investigator was born and grew over time to be a very successful way in which to quickly and efficiently investigate peacekeeping cases. However, in the light of the view of the Advisory Committee on Administrative and Budgetary Questions that investigations should be done on a case-by-case basis by investigators based at Headquarters or in regional offices (see ibid., para. 54), alternative concepts have been explored, such as that of establishing regional investigators for peacekeeping activities. The present report attempts to identify the pros and cons inherent in the two concepts, but finally makes a case for the use of regional investigators via the provision of 12 additional posts for the Investigations Division of the Office of Internal Oversight Services.

II. Background

4. The maintenance of peace and security represents a priority area identified in the medium-term plan for the period 2002-2005[1] and is further emphasized in the report of the Secretary-General entitled "Road map towards the implementation of the United Nations Millennium Declaration" (A/56/326). The Office of Internal Oversight Services constantly endeavours to assist the Organization to adopt the best internal management practices, and the internal oversight programme has included risk management as a required tool for identifying risk areas, for prioritizing its annual work plan and for allocating its resources. In paragraph 18 of its resolution 56/241 of 24 December 2001, the General Assembly made the Office responsible for reviewing peacekeeping operations, among other things, as a result of which it will test risk management tools in its reviews of a selected number of peacekeeping missions.

5. In 2000, ad hoc temporary arrangements were made to provide several peacekeeping missions with investigative resources for the Office of Internal

Oversight Services. This arrangement has made it possible for investigations to be carried out in a timely and efficient manner, but has subjected the investigators to a variety of short-term postings. A stable arrangement with dedicated, budgeted posts is essential for carrying out the necessary investigations.

III. Role of the Investigations Division in peacekeeping operations

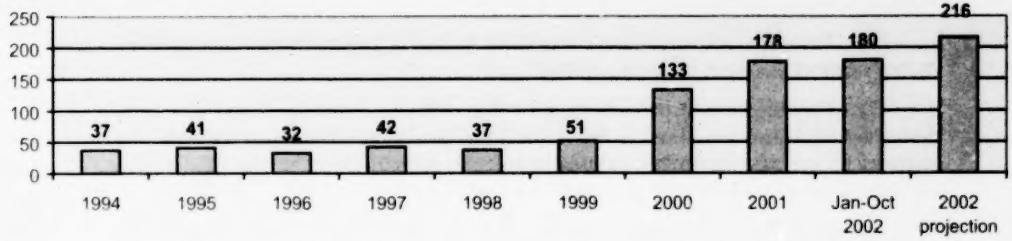
6. Since the establishment of the Office of Internal Oversight Services in 1994, the number of cases relating to peacekeeping missions has increased significantly each year. To illustrate the increasing workload of the Office of Internal Oversight Services in peacekeeping matters, the following statistics are provided. In the six-year period between 1994 and 1999, the Office received a total of 240 peacekeeping cases — an average of 40 per year. Until approximately August 2000, such inquiries were serviced by New York-based investigators funded from the regular budget who travelled to the relevant mission area.

7. Before August 2000, decisions as to which cases were investigated were based on priority. For example, each case must be assessed on the basis of the level of risk to which the Organization would be exposed if the matter were not investigated. Not every case can be a priority of the Office and demand an immediate response. It should also be noted that single cases in remote locations will not usually attract scarce investigative resources, whereas a significant case in a location with a number of other cases may be more efficient from a cost and resource perspective, and therefore be assigned investigative resources.

8. By the end of 2000, the Office had become increasingly aware of the burgeoning caseload in the various peacekeeping missions. This led to a decision to place mission-based (resident) investigators in the United Nations Interim Administration Mission in Kosovo (UNMIK) and the United Nations Transitional Administration in East Timor (UNTAET), and later on in the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), using ad hoc funding. In the biennium 2000-2001, the Office received a total of 311 peacekeeping cases — an average of 156 cases per year. In the period from 1 January to 30 September 2002, the Office received 180 cases, which, based on statistical probability, equates to approximately 216 cases by the end of the year. This estimate of peacekeeping cases in the calendar year 2002 represents an increase of 38 per cent over the previous two years. The ratio of Department of Peacekeeping Operations cases to the total was 20 to 30 per cent in the period from 1994 to 1999 and 35 to 40 per cent since 2000. In this connection, it should be noted that the Office of Internal Oversight Services collaborates with funds and programmes under a framework of memorandums of understanding by which the Office provides investigative services to them on a reimbursable basis. This is primarily as a result of the investigative expertise available in the Office and the very small number of investigators in the funds and programmes. The current proposal for an additional 12 posts for the use of the Investigations Division reflects the need to strengthen the ability to respond to the increasing caseload in the peacekeeping missions.

9. The large number of cases reported to the Office involving peacekeeping operations indicates that it must have sufficient resources available to conduct the necessary investigations and assist in the reduction of fraud and waste in the Organization.

Peacekeeping investigative cases received by the Office of Internal Oversight Services



10. The demonstrated growth in cases reflects in part the physical presence of investigators in the missions. Such a presence increases the awareness by staff of violations of United Nations regulations and rules and national laws and results in their making reports to the Office. The Office has also found that management has availed itself of the opportunity to interact directly with mission-based investigators rather than reporting the matter to Headquarters and waiting for the arrival of New York-based staff. More importantly, this indicates that staff and managers alike appreciate the ease of accessibility to investigators to provide confidential reports to the Office.

IV. Terms of reference of investigators

11. Investigators carry out the following functions in peacekeeping missions:

(a) They provide investigative services based on an assessment of priorities under the operational supervision of the Director of the Investigations Division in New York. These services are provided in accordance with the mandate of the Office of Internal Oversight Services, as set out in General Assembly resolutions 48/218 B and 54/244, the related administrative instruction (ST/AI/397), the Manual of the Investigations Division and the uniform standards for investigations;

(b) They retrieve evidence, review and analyse case materials, conduct interviews with witnesses and subjects, maintain evidence, draft reports of investigations and provide recommendations to the senior investigator in the mission, pending submission to the Field Operations Management Unit of the Investigations Division in New York and the Director of the Division regarding the final disposition of a case;

(c) Senior investigators plan, organize, conduct and supervise investigations conducted by subordinate investigators, including in serious and complex matters. They manage the work programme of offices of the Investigations Division at peacekeeping missions, report to the Field Operations Management Unit on the work performed by the office and make recommendations with regard to disposition of cases. They prepare and/or supervise the cases for submission to the internal justice system of the United Nations or to national penal or civil jurisdictions;

(d) The senior investigator ensures the compliance of Investigations Division activities in his or her area of operations with legal and reporting requirements as applicable in the United Nations and/or in the relevant national jurisdiction;

(e) Investigators may also be requested to testify before internal disciplinary review committees or in national jurisdictions;

(f) Investigators also focus on providing advice to managers and assessing the potential within programme areas for fraud and other violations through the analysis of systems control in high-risk areas as provided in the mandate of the Office;

(g) Investigators provide fraud and corruption prevention assistance in the form of advice, consultation and training for programme managers at the peacekeeping missions, including staff members performing senior managerial functions at the municipal and regional levels;

(h) Investigators also provide oversight advice in investigative matters as well as training, if required, for officers in the security and safety sections of the peacekeeping missions selected to undertake basic investigative duties for boards of inquiry. This could entail the provision of advice on the conduct of such investigations or acting in an advisory role on matters being reported to the boards.

12. As the experience with UNTAET, UNMIK and MONUC has shown, the continuous physical presence of investigators in a mission area has served and would continue to serve the following purposes:

(a) Timeliness in addressing investigative cases;

(b) Deterrence to the risk of fraud or violations of the United Nations rules and regulations and national laws;

(c) Allowing investigators to observe the mission environment and to collect case-specific background information critical to successful case resolution;

(d) Assisting the staff and management of peacekeeping missions in building trust in the investigative process;

(e) Assisting the Office of Internal Oversight Services to utilize risk management as a tool for addressing ongoing systemic problems in peacekeeping missions;

(f) Facilitating continuous interaction with mission management by the investigators and assisting the building of trust between the entities;

(g) Increasing the efficiency, effectiveness and economy of investigative services.

V. The case for regional versus mission-based investigators

13. The foregoing description of the function, value and experience with respect to the use of investigators based in peacekeeping missions over the past two years has been included in the present report to satisfy the request of the Advisory Committee. This sets out the problems identified by the Office of Internal Oversight Services with the concept of mission-based investigators since 2000. An evaluation of the

positive aspects of establishing regional investigators to service peacekeeping missions around the world will also be provided.

A. Mission-based investigators

14. While the Office is very pleased with the results of mission-based investigators, especially with the ability of the team to handle large and small matters in a more timely fashion and to provide mission management with solutions to recurring or individual problems, the lack of independence and control is a negative factor in the work of such investigators.

15. The presence of investigators has been welcomed by mission management as a means of solving local problems in a time-efficient and effective manner, without the need to consult with Headquarters and compete for scarce investigative resources. Furthermore, the resident investigators do not need to travel from New York to address those issues in the respective missions. However, at this juncture, the arrangement satisfies the requirements of only two missions, namely, UNMIK and the United Nations Mission of Support in East Timor (UNMISET), and only on an ad hoc basis.

16. A number of newly hired investigators have completed a one-week induction course on the United Nations and the Office of Internal Oversight Services in New York aimed at preparing them for their postings to mission areas prior to commencing duty. However, one week is insufficient preparation for such an important role in the field. In certain cases, the cost of bringing new staff to New York is prohibitive, and it is more cost-effective to have them commence in the field, bypassing New York and the induction phase there. In such cases, a member of the Investigations Division usually visits the new staff member in the mission and provides the induction on-site. The Office is of the view that staff new to the United Nations and to the Office have benefited greatly from the induction experience at Headquarters.

17. The conduct of investigations is generally accepted to be a reactive process. This is true for the simpler cases. However, on many occasions, local knowledge and research on the personnel involved and the practices of the mission provide a significant boost to successful investigations. In many such cases, the issue of motivation cannot be determined through a quick and clinical investigation. Time must be devoted to talking with a variety of persons in the mission area so as to learn the subtleties of the work environment and the people involved. In many ways, this is something that is developed over time and not in a short visit to the mission.

18. While mission-based investigators have successfully investigated a number of cases over the past years in those missions, they focus only on cases in their immediate locale. Mission-based investigators are not generally involved in the other peacekeeping missions. At present, New York-based investigators must handle all the other peacekeeping cases outside of UNMIK and UNMISET. Such investigations will occur only after an assessment has been made of the significance of the individual case, however, they will also be assessed against the remaining non-peacekeeping cases reported to the Office. As a result, many peacekeeping cases routinely remain on the inactive list owing to a lack of resources necessary to conduct such investigations.

B. Regional investigators

19. In view of the absence of investigators in most peacekeeping missions, the mandated requirement to do mission-based investigations means that investigators based at Headquarters must travel to the field; as such, the concept of having regional investigators in Africa and Europe has merit as a means of utilizing investigators in two regions for most field investigations, with support as needed from Headquarters. This would ensure that investigators are in reasonable proximity to the Mission and that investigators have the required independence. All investigators must be — and be seen to be — operationally independent, and as such sufficiently removed from the authority of a peacekeeping mission to ensure that the integrity of the investigation, the process of receiving and investigating complaints and the findings of the investigation are not compromised. At present, the Office of Internal Oversight Services has two regional offices in duty stations away from Headquarters — in Geneva and Nairobi. Both offices currently are assigned two investigators who focus primarily on matters arising in the general vicinity of their duty station, usually having to do with programmes funded by the regular budget, but also including some cases involving funds and programmes. As of this year, the International Tribunals for the Former Yugoslavia and for Rwanda fund a number of biennial posts for investigators.

20. Regional peacekeeping investigators would be placed in Nairobi and either Geneva, where the Office already has a presence, or in Vienna, a location that is convenient to mission areas. It should be noted, however, that *all* investigative activity would involve travel from Nairobi, Geneva or Vienna to the respective peacekeeping mission, thus entailing additional costs in order for investigative matters to be undertaken in the missions.

21. Regional investigators must be able to respond quickly to critical cases. Response time is a major determinant in assessing the best location for the placement of investigators. Given that the majority of peacekeeping operations are in Africa, the Middle East, Central Asia and Europe, locating regional offices requires an assessment of the accessibility of cost-efficient, regular air services and the ability to reassign resources in a timely manner.

22. For example, regional investigators in Nairobi would be well-placed to provide speedy access to a number of African peacekeeping operations, as well as those in the Middle East and Central Asia. Access to such locations by air from Kenya is relatively simple and cost-efficient. The large United Nations presence in Kenya, including a branch of the Office of Internal Oversight Services, provides the necessary support structure for such a proposal.

23. Geneva would be equally suitable for this proposal. It is a large headquarters duty station with an established support structure and facilities, and the Office has already established a presence there. Geneva provides access to a range of air services for international travel.

24. Vienna is another European duty station that could be considered. It is also a large United Nations headquarters duty station with well-established administrative support structures. Vienna is also a major European aviation hub with direct access to virtually any region of the world.

25. The concept of regional investigators has significant merit from the point of view of managing investigations. If regional investigators were located in Europe and Africa, the management of investigations would become more effective. For example, European and Eastern African time zones are within one or two hours of each other. This would allow virtually concurrent communications between investigators in the field and those responsible for the management of investigations in either Europe or Africa.

26. Regional investigators rather than mission-based investigators would, therefore, be the preferred option based on geographic proximity and timeliness.

C. Caseload

27. The Office of Internal Oversight Services has received an ever-increasing number of cases annually since its inception in 1994. As at 30 June 2002, the Office had received 2,221 cases. The nature of the cases that remain active investigations — approximately 300 at any point in time — varies from reasonably simple entitlement fraud to the most complex corruption cases. In the entitlement fraud cases, anywhere from one week to a month is required for one investigator to complete the investigation and produce a report. However, the complex corruption cases can take 12 months or more and require the services of several investigators. During the past three calendar years, the Office has received more cases in the latter category than in the former.

28. By monitoring the time spent by investigators on active cases, the Office has determined that, as a working average for each investigation, 250 person-hours are required to conduct the investigation and produce a report. That figure is used to facilitate the limited planning that is possible for a primarily reactive unit. For example, based on the figures for the period from 2000 to 2002 (refer to the table in para. 9 above, which includes a projection based on current case numbers in 2002), cases involving peacekeeping matters average 176 per year.

29. To be able to handle that caseload in peacekeeping each year (176 cases times 250 hours per investigation), 44,000 hours of investigator time would be required, representing approximately 24 investigators.

30. At this stage, it is estimated that an additional 12 posts would be required to strengthen the ability to respond to the significant peacekeeping caseload, as follows: four P-3, four P-4 and two P-5 posts. In addition, two General Service (Other level) posts would be required to assist in the administration of those investigations. The General Service staff would be assigned to each regional office to assist with administrative responsibilities arising from the conduct of peacekeeping investigations.

D. Regional investigator costs

31. Office of Internal Oversight Services staff travelling to investigate peacekeeping matters took 35 separate trips during the period from 1 July 2001 to 30 June 2002, which covered more than 60 individual investigations. They travelled to a range of locations outside of UNMIK and UNMISET where the Office had to conduct investigative activities, as well as several trips used for the training of the

Department of Peacekeeping Operations security and safety staff involved in general investigative activities in peacekeeping missions.

32. To support the case for regional investigators to be located in Europe and Africa, as opposed to North America, the Office has undertaken a survey of the costs of official travel from Headquarters to a range of other duty stations and compared those figures with the cost of travel to similar locations from Geneva, Vienna and Nairobi. From those figures it is clear that travel from Europe and Nairobi to the various peacekeeping missions would be significantly less costly than the same travel originating from New York.

33. The regional arrangement proposed would entail more cost-efficient travel from a regional hub to the peacekeeping missions as compared with travel from New York, but as a result of the physical location of the investigators outside of the peacekeeping missions, all investigative activity undertaken by regional investigators would require travel funds, including daily subsistence allowance for periods ranging from 21 to 30 days. Case progression would not be possible if travel to the mission were for a period of less than 21 to 30 days.

34. Based on the above comparisons and the reduced travel time involved, it would appear that the placement of regional investigators in Europe and Africa would be more efficient than the current arrangement, enabling the Office of Internal Oversight Services to investigate and complete more cases than current staffing levels and placements allow. It would also greatly facilitate interactions with the various peacekeeping missions owing to the lack of a significant time difference, which is so problematic when New York is the base of operations.

VI. Conclusion

35. **Resources for the establishment of 12 investigator posts to be located in Europe and Africa, together with provisions for their support, will be sought in the context of the financing of and the provision of support to peacekeeping operations for the period from July 2003 to June 2004, subject to guidance by the General Assembly.**

Notes

[1] *Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 6* (A/55/6/Rev.1).